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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CIV. NO. 06-00629 DAE/LEK
	)	CR. NO. 04-00322 DAE
Plaintiff,	)	CR. NO. 05-00049 DAE
)	
vs.	)	CORRECTED ORDER FINDING
	)	WAIVER OF ATTORNEY-CLIENT
ABRAHAM NGUYEN MARTIN,	)	PRIVILEGE WITH RESPECT
	)	TO DEFENDANT'S MOTION
Defendant.	)	UNDER 28 U.S.C. § 2255
	)	TO VACATE, SET ASIDE,
	)	OR CORRECT SENTENCE BY A
	)	PERSON IN FEDERAL CUSTODY

CORRECTED ORDER FINDING WAIVER OF ATTORNEY-CLIENT
PRIVILEGE WITH RESPECT TO DEFENDANT'S MOTION
UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE,
OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

Defendant Abraham Nguyen Martin filed a Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody on November 24, 2006. The Defendant was represented in the criminal proceeding by William Domingo, Assistant Federal Public Defender for the District of Hawaii, and Michael Weight, Assistant Federal Public Defender for the

District of Hawaii. The Defendant claims, in part, that Mr. Weight provided ineffective assistance of counsel, to wit: 1) by failing to object to continuances under the Speedy Trial Act; 2) by failing to file appropriate pre-trial motions; 3) by failing to file objections to the government's discovery; 4) by failing to advise the Defendant of his right to file a direct appeal; 5) by failing to adequately explain and provide advice on the "pros and cons" of court documents; 6) by failing to bargain for government "adherence" to the "rules" governing fair and just plea bargaining; and 7) by failing to provide Defendant with the time and attention required to properly represent him.

The United States has moved this Court to issue an Order which finds that as a matter of law, the Defendant has waived attorney-client privilege. The Court agrees. By filing the motion claiming ineffective assistance of counsel, the Defendant has waived his attorney-client privilege with Mr. Domingo and Mr. Weight as to all matters raised in his § 2255 motion.

Good cause appearing therefor, it is hereby ORDERED that the Defendant has waived the attorney-client privilege as to

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communications with Assistant Federal Public Defenders William Domingo and Michael Weight.

DATED: Honolulu, Hawaii, April 5, 2007.





David Alan Ezra
United States District Judge

United States v. Abraham Nguyen Martin;

Cv. No. 06-00629 DAE/LEK

Cr. No. 04-00322 DAE

Cr. No. 05-00049 DAE

"**Corrected** Order Finding Waiver of Attorney-Client Privilege With Respect to Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody"